

Remarks

Claims 1-24 were pending in the application. Claims 1-14 were withdrawn from consideration by the Examiner, and claims 15-24 were rejected.

By this paper, Applicants hereby affirm the election to prosecute claims 15-24. Furthermore, claims 1-14 have been canceled, and new claims 25 and 26 have been added.

Rejection Under 35 U.S.C. § 102

Claims 15, 16 and 23 were rejected under § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2003/0195811 A1 (hereinafter “Hayes, Jr. et al”).

Claim 15 recites that the host computer is “operable to automatically transmit a message to the recipient requesting acknowledgment of receipt of inventory if the electronic acknowledgment is not received within a first predetermined amount of time.” Contrary to the Examiner’s assertion, this feature is not disclosed in Hayes, Jr. et al. Instead, Hayes, Jr. et al. discloses that a customer may use a customer messaging and alerting service (CMAS) to request shipment status. (See paragraph 0040 of Hayes, Jr. et al.) Furthermore, it is believed that paragraph 0049 and Figure 5d of Hayes, Jr. et al., to which the Examiner referred in the Office Action, disclose delivery confirmation or guaranteed delivery of a message, rather than an inventory shipment. Thus, the § 102(e) rejection of claims 15, 16 and 23 is believed to be improper and should be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 16-22 and 24 were rejected under § 103(a) as being unpatentable over Hayes, Jr. et al. in view of U.S. Patent No. 5,638,283 issued to Herbert (hereinafter “Herbert”). Applicants respectfully believe that the Examiner has failed to establish proper motivation for combining Herbert with Hayes, Jr. et al. Nonetheless, because Herbert fails

to cure the above noted deficiencies of Hayes, Jr. et al., the § 103(a) rejection of claims 16-22 and 24 is believed to be improper.

Furthermore, it should be noted that many of the dependent claims recite additional features that are not disclosed in any of the cited references, either alone or in combination. For example, claim 17 recites that "the terminal is further operative to automatically inhibit operation of the terminal if the terminal is not instructed to print the message within a second, predetermined amount of time." As another example, claim 19 recites that "the host computer is further operable to inhibit operation of the terminal if the recipient does not print the message within a second, predetermined amount of time."

By contrast, Herbert discloses a franking machine having a microprocessor 10 and a global positioning system receiver 18 located in a secure housing 17, and the microprocessor 10 is operable to inhibit operation of the franking machine if there is a mismatch between stored location data and location data output from the receiver 18. (See col. 2, ll. 52-57, col. 4, ll. 38-48, and Fig. 1 of Herbert.) Herbert does not disclose inhibiting operation of a terminal if the terminal is not used to print a message requesting acknowledgment of receipt of inventory. Moreover, Herbert does not teach use of a separate host computer to inhibit operation of a terminal, such as claimed in claim 19.

New Claims

New claims 25 and 26 have been added for consideration by the Examiner.

Conclusion

Applicants have made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,
Earney E. Stoutenburg et al.

By 

Mark E. Stuenkel

Reg. No. 44,364
Attorney/Agent for Applicant

Date: July 14, 2004

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351